

[Act 1995 No 16]



New South Wales

Statute Law (Miscellaneous Provisions) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to make minor amendments to various Acts (Schedule 1), and
 - (b) to amend certain other Acts for the purpose of effecting statute law revision (Schedule 2), and
 - (c) to replace gender-specific language with gender-neutral language (Schedule 3), and
 - (d) to transfer certain savings and transitional and other provisions of on-going effect from some amending Acts and Regulations into the relevant Principal Acts, so as to permit the repeal of the otherwise obsolete amending Acts and Regulations (Schedule 4), and
 - (e) to repeal certain Acts and Regulations (Schedule 5), and
 - (f) to make other provisions of a consequential or ancillary nature (Schedule 6).
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Outline of provisions

Clauses 1–5 are machinery provisions specifying the name (also called the short title) of the proposed Act, providing for its commencement and giving effect to the Schedules to the Act containing amendments, repeals and savings, transitional and other provisions.

Clause 6 makes it clear that the explanatory notes contained in the Schedules do not form part of the proposed Act.

Schedules

Schedule 1 Minor amendments

Schedule 1 makes amendments to the following Acts:

Animal Research Act 1985 No 123

Arbitration (Civil Actions) Act 1983 No 43

Drug Offensive Act 1987 No 119

Exhibited Animals Protection Act 1986 No 123

Fish River Water Supply Administration Act 1945 No 16

Interpretation Act 1987 No 15

Law Foundation Act 1979 No 32

Noxious Weeds Act 1993 No 11

Real Estate Services Council Act 1990 No 14

Reprints Act 1972 No 48

Roads Act 1993 No 33

South-west Tablelands Water Supply Administration Act 1941 No 36

Traffic Act 1909 No 5

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 1.

Where necessary, provisions of a saving or transitional nature relating to the amendment concerned have also been set out in Schedule 1.

Schedule 2 Amendments by way of statute law revision

Schedule 2 amends certain other Acts for the purpose of effecting statute law revision. A number of other amendments are made relating to formal drafting matters and minor corrections.

The amendments to each Act are explained in detail in the explanatory note relating to the Act concerned set out in Schedule 2.

Schedule 3 Amendments replacing gender-specific language

Schedule 3 substitutes gender-neutral language for gender-specific language in various Acts. A policy of using gender-neutral language in New South Wales legislation was formally announced by the Governor in his speech for the opening of Parliament on 16 August 1983 and has been strictly applied ever since. However, gender-specific language remains in many of the statutes currently in force that were enacted before the policy was implemented. It is intended that the statute law revision program will continue the process of removal of that language until it has all been replaced.

The Schedule adopts 2 approaches:

- (a) it amends Acts chronologically, beginning with the *Western Lands Act 1901*, and
- (b) it amends a particular group of Acts (those relating to occupations).

Schedule 4 Amendments transferring provisions

Schedule 4 transfers into their parent Acts a number of savings, transitional and other provisions of on-going effect contained in certain amending Acts and Regulations, the other provisions of which have been incorporated in reprints or are spent. The removal of those provisions from the amending Acts and the Regulations permits the repeal (by Schedule 5 to the proposed Act) of those Acts and Regulations.

Schedule 5 Repeals

Schedule 5 repeals a number of Acts and Regulations. Since the *Statute Law (Miscellaneous Provisions) Act 1985*, the number of Acts in force has been gradually reduced by repealing amending Acts once the amendments contained in the Acts have been incorporated in a reprint. The Schedule continues this process. It also repeals certain other amending Acts and certain Regulations, the on-going provisions of which are transferred (by Schedule 4) to their parent Acts.

Schedule 6 General savings, transitional and other provisions

Schedule 6 contains savings, transitional and other provisions of a more general effect than those set out in Schedule 1.

The purpose of each provision is explained in detail in the explanatory note relating to the provision concerned set out in Schedule 6.